

**THE EFFECTIVE DATE OF THIS ORDINANCE IS OCTOBER 25, 2002**

**ORDINANCE NO. 02-21-317**

**Zoning Text Amendment R-T-02-02**

RECITALS

Staff requested a text amendment to amend Sections 1-19-46(i) and 1-19-412(b) to extend the time of approvals granted by the Board of Appeals (for variances and special exceptions) and the Planning Commission (for site plans) from a period of one year to a period of two years, and to give the authority for the Zoning Administrator to grant a further 6 month extension for good cause shown and upon the filing of a written request for extension at least one month prior to expiration of the approval granted by the Board of Appeals or the Planning Commission.

Currently, approvals issued by the Board of Appeals and the Planning Commission expire after one year from the date of approval unless: a) in the case of a special exception or variance that the use is established, a building permit has been issued or construction has begun in accordance with the terms of the Board of Appeals decision; or b) in the case of site plan approval, construction has begun.

Due to increased regulations and time frames needed for review, one year is not always sufficient time in which to accomplish all that is needed or required to prevent expiration of the approval. Many applicants have returned to the Board of Appeals and Planning Commission requesting a one-year extension. The vast

majority of the projects are underway or completed within this additional one-year period.

To prevent delays inherent in coming before the Board of Appeals and the Planning Commission, as well the associated costs, the Board of County Commissioners deems it appropriate to provide a two-year time frame from the granting of the approval by the Board of Appeals or the Planning Commission to its expiration. The Board deems it further appropriate that, upon good cause shown, the Zoning Administrator be allowed to extend the 2 year time frame an additional 6 months, provided a written request is made more than one month prior to expiration of the approval.

The Board of County Commissioners held a duly advertised public hearing on this ordinance on October 15, 2002. The public had an opportunity to comment on the proposed amendment at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Sections 1-19-46(i) and 1-19-412(b) of the Frederick County Code (1979) are hereby amended to read as follows:

Sec. 1-19-46.

(i) A decision of the board granting a variance or a special exception will be void [one] TWO yearS, from date of approval BY THE BOARD OF APPEALS unless the use is established or a building permit is issued and

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**CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.**

construction has begun and is in accordance with the terms of the decision. UPON WRITTEN REQUEST SUBMITTED TO THE ZONING ADMINISTRATOR NO LATER THAN ONE MONTH PRIOR TO THE EXPIRATION DATE AND FOR GOOD CAUSE SHOWN BY THE APPLICANT, A ONE (1) TIME EXTENSION MAY BE GRANTED BY THE ZONING ADMINISTRATOR FOR A PERIOD NOT TO EXCEED SIX MONTHS.

Sec. 1-19-412

(b) Approval of a site plan submitted under the provisions of this division shall expire [one] TWO yearS after the date of [such approval] THE PLANNING COMMISSION ACTION unless construction has begun. UPON WRITTEN REQUEST SUBMITTED TO THE ZONING ADMINISTRATOR NO LATER THAN ONE MONTH PRIOR TO THE EXPIRATION DATE, AND FOR GOOD CAUSE SHOWN BY THE APPLICANT, A ONE (1) TIME EXTENSION FOR A PERIOD NOT TO EXCEED SIX MONTHS, MAY BE GRANTED BY THE ZONING ADMINISTRATOR. HOWEVER, THE LENGTH OF SITE PLAN APPROVAL, OR EXTENSION THEREOF, MAY NOT EXCEED THE LENGTH OF THE APPROVAL UNDER THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO) IF APFO APPROVAL IS REQUIRED.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on October 25, 2002.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 15th day of October, 2002.

ATTEST: BOARD OF COUNTY COMMISSIONERS  
OF FREDERICK COUNTY, MARYLAND

/s/  
Douglas D. Browning  
Acting County Manager

/s/  
David P. Gray, President

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